

James J. Carroll, III
Josephine M. Carroll
P.O. Box 863
Windham, N.H. 03087

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FILED
CLERK'S OFFICE
2006 AUG 11 P 1:28

JAMES J. CARROLL, III)
JOSEPHINE M. CARROLL, et als.)
Plaintiff (s),)

vs.)

JAMES J. CARROLL, JR., et als.)
Defendant (s),)

U.S. DISTRICT COURT
DISTRICT OF MASS.
C.A. 05-11670-GAO

The Honorable Justice George A. O'Toole
Presiding Justice

Request to Preserve Rights of Appeal

Now comes Josephine M. Carroll and James J. Carroll, III being aggrieved by the decision of Justice George A. O' Toole dismissing a complaint of action dated August 5, 2005, filed timely and properly on which an order for dismissal occurred dated July 18, 2006 without opportunity to present the case before the court or a jury of peers.

The plaintiffs have submitted a Motion for Reconsideration, and Motion to Vacate the Order of Dismissal, seeking redress timely within the 30 day limit, although the plaintiffs received the dismissal late on July 30, 2006.

The plaintiffs jointly seek the filing of an appeal following the decision of motions before the court to be acted upon only if such reconsiderations are denied. This notice is provided to secure the appellate rights of the plaintiffs in advance of the decision.

James J. Carroll III pro se
James J. Carroll, III, pro se
Josephine M. Carroll
Josephine Carroll, pro se
August 10, 2006